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Street Talk about
A military Force
for Phila.

1844.



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By J. J. ...
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STREET TALK

ABOUT AN

ORDINANCE OF COUNCILS.

PASSED THE 11th JULY, 1844,

ORGANIZING

A MILITARY FORCE

FOR THE

GOVERNMENT OF PHILADELPHIA.

PHILADELPHIA

1844.

These pages were written immediately after the 11th July last, without any fixed purpose of publishing them, and had been thrown aside, when we chanced, a day or two since, to hear an out-doors suggestion that the City, or the City and Districts, might need the services of their military force on the coming election day!!! We have slightly altered what had been written, and submit it in this form, as it is too long for the columns of a newspaper.

September 4th, 1844.

STREET TALK, &c.

The authorities of the City of Philadelphia have favored us with an Ordinance, which they passed the 11th July last, by which, in case of disturbance, we are to be turned into a garrison town; and we understand people are looking to the approaching election day, as an occasion when our new military organization may possibly be called into play. Now, though we have heard of such things as sending troops to a distance, to be quite out of the way of all possible interference in election riots, the idea of that day, of all the days in the year, being the epoch for witnessing the civil put into strict subordination to the military authorities, we are disposed to think never was so much as dreamed of before, within the latitudes of freedom; and if it should so be, that a single sword is drawn, or fire-lock pointed that day, at the merest vagabond that pastures in the City and Liberties, there needs no ghost to tell us that mischief, indeed—mischief such as we have not seen yet, or even imagined, is not far off.

We do not believe it was the design of the gentlemen entrusted with governing us, to violate the letter or spirit of our rights and institutions, when they passed their extraordinary law of the 11th July, 1844. They meant to protect us against violence, but they were in a false position, or, at least, they had but just emerged from one marvellously false and embarrassing, and hence their error. They stood the conservators of the peace—it was their place and business, during the riots, as at all other times, to guard and protect us, and owing to the curious fact which the late events so glaringly developed, that they *have no police*, and could not protect us against even the most impudent breaches of order, they had become the butt of every sort of unkind and complaining criticism. We cried out to them to look to us, to take care of us, that they were the men

whose business it was. They admitted that, but assured us they really had not the means of doing any thing in the world to help us. This was too bad. It beat the delicate situation of the man in the farce. We do not wonder at their getting a little wild under circumstances so distressing, and resorting to the use of fire-arms, unlawful and quite unnecessary, as we consider that extreme measure to have been. There they were—they had no police, and ready to their hand was a body of high spirited, resolute young men, our fellow-citizens of the volunteer corps, to whom they had only to say the word and order was restored, the thing was done; *done* we mean, for all the purposes of extricating the public authorities from their dilemma, and saving people from present peril; done for the hour, the week, the month, or even for longer time. That the military cure was one certain to aggravate the disease, and make it worse at last, was a consideration which we can understand, and sympathize with the motives which prompted our city doctors to pay less than the proper attention to; but how it came to pass that when the first violence of the disease was abated, instead of setting themselves to work to raise an efficient civil police, they fell upon so extravagant a prescription, such a precious pill, as that of the Ordinance of the 11th July, we are at a loss to conceive, consistently with the respect in which we hold the legislators who did the act. Only read their law.

“Whereas, It is expedient that the funds of the community be appropriated to such measures as may tend to preserve the public peace, in times of intestine commotion, like the present; And whereas, it is believed that the members of our citizen soldiery, who have lately proved themselves to be our secure reliance in times of danger, would be more adequate to the present exigency, if they were relieved from the expenses of their equipment and necessary outfit, and if ammunition and stores were provided for their use in any emergency in which their services may hereafter be required for the preservation of the public peace.

“Be it ordained and enacted by the citizens of Philadelphia, in Select and Common Councils assembled, That the Brigadier General of the city Brigade of the Pennsylvania militia, be requested to report to the councils when a full regiment of Infantry, a full battalion of Artillery, and one or more full troops of Cavalry, shall have been formed from the present or any future Volunteer Corps of his Brigade, ready and willing to act within the limits of the city and county of Philadelphia, on any

emergency in which their services may be required by the Mayor or Sheriff, to assist in maintaining the public peace of the city or county, and to report them with the muster rolls of the said corps respectively.

"2. That upon such report being made, the city Treasurer shall pay to the proper officer of the Brigade, the sum of twenty dollars for each Volunteer of their respective Corps, to be applied to the purchase of accoutrements, and to the necessary arming, outfit and equipment of such Volunteers respectively, for any service that may be required.

"3. That suitable ammunition and stores be provided at the expense of the city, to be at the disposal of the Brigadier General or officer for the time being in the command of the said Brigade, at such time or times as the said several corps, or any one or more of them, shall be called into service upon the requisition of the Mayor or Sheriff as aforesaid, and shall continue in service under such requisition.

"4. That the further sum of \$10,000 be appropriated, and remain in special deposit or investment until wanted to be applied by the Mayor or Sheriff, to the supply of provisions and of such other further ammunition and stores as may be necessary to effectuate the purposes for which the services of any such corps shall, or may hereafter, at any time or times, be required as aforesaid.

"5. No military force shall receive any ammunition, stores or supplies under this Ordinance, except when acting under the requisition of the Mayor or Sheriff as aforesaid.

"Enacted into an Ordinance at the City of Philadelphia, this 11th day of July, A. D., 1814."

By the scheme of this law, a bolder as we truly believe than any scheme city conceived, since cities have been absorbed in States, we are to be put under direct military rule, whenever the civil police shall prove insufficient to preserve public order; and as it is a fact now flagrant and painfully notorious, that we do not possess any civil police at all, which deserves the name, and as we do not understand that any steps have been taken, or are to be taken to raise one, it is plain that by this Ordinance a military force is to be put upon us where a civil force alone is tolerable. We have already seen the almost incredible sight of a body of troops, sent to interfere in a disturbance between two hose companies, and here are the quidnuncs (for of course it is impossible to believe that any, clothed with the responsibilities of power, should harbor so mad an idea,) now debating upon the curb-stones, the question of the use of troops on the day of the

election—at the polls, for aught we know—at any rate, upon the very holiday of freedom. The Councils have not, in their wisdom, thought proper to give us what all other large towns possess, namely—a civil police, to *prevent* disorder, and capable, under all but extraordinary circumstances, of putting it down. They leave us as civilly helpless, as late events have proved we were, before the Ordinance was passed. But they have enacted a town law, by which, all the engines of battle as used by regular armies in the field, against a public enemy, after a declaration of war, being placed in the hands of a force equipped and paid by the city, are to be turned upon its citizens, whenever the Mayor or Sheriff shall give the signal.

This force, it will be observed, is not to be a mere body of men, armed with deadly weapons—some troops of horse, or a squadron of foot, it is to be a small army—what military men recognize as technically an army. There is the infantry, there is the artillery, and there is the cavalry; add a corps of sappers and miners, and the army of Philadelphia, raised by the town council, would be more complete in all its members, than was the army of the United States, raised by Congress, which invaded Canada, in 1813. The city government, except for such soft purposes as picking up fractious ladies, and collaring candidates for the House of Refuge, and perchance of dealing with a few pickpockets and burglars, has turned over to a “full regiment of infantry, a full battalion of artillery, and one or more full troops of cavalry, with suitable ammunition and stores,” the whole care of what they call the “public peace, in times of intestine commotion.” What *commotion* is *intestinal*, according to the Ordinance, the authorities are to decide, and due regard being had to the opinion of their patient’s condition, which they seem to entertain, we may believe that they will be full apt to conclude that any commotion will be intestinal enough to make a fire-arms case.

Now such a go-by to all police proper as this is, never was, as we believe, heard of in our part of the world before. Men called *peace officers*, whose “suitable ammunition and stores,” is a short stick, or a long pole, painted red, ever have been, and now are, the only keepers of the peace in all parts of the continent this side of Mexico, excepting, perhaps, certain towns where they have a large slave population, and where a night

guard may be seen pacing up and down with a musket to his shoulder. But times change, and we change with the times ; the red pole has given way to the musket, the law we live under puts the military power in the lead, and says, let the constable yield to the captain. Our governors have been led into temptation. They have not reflected that these volunteer corps which they propose to make into a military police, are a body of men high in public esteem, at present useful, and in the always possible contingency of war, indispensable ; and that they are about to abuse these friends and brothers of ours, the flower of our youth, now so popular, and who soon may be so valuable, to purposes which will be sure to bring them into odium and to preclude their future career. They have said here is the short cut, here is the police of the bayonet. It is only to pass an Ordinance, and our system without further trouble is perfect. It is true our government will be changed occasionally into a military one, and that is a little new hereabouts, but then it will be *so* convenient. And sure enough, they pass this military Ordinance, and we people of the city of Penn, wake up one summer morning and find ourselves saddled and bridled, and all ready to be ridden, after the fashion of St. Petersburg.

Such is now the law, and so long as the law stands we must grin and submit to it, though it has been made not for our faults, who are to suffer by it, but for the egregious error of the very persons who have made it, in letting disorder overtake us, unprovided with the mere, usual and absolutely necessary civil police ; a disorder, too, let us add, which they have quite overrated, which panic ridiculously magnified, and which depriving us of the necessary judgment to estimate danger, threw every body into fits, and brought upon the corporation itself, it seems, a species of municipal hysterics, under the influence of which they have made this convulsionary enactment. But the Ordinance being to be respected as long as it lasts, (for we will not urge that being unconstitutional, it is therefore null,) is no reason why we should not discuss it.

During the progress of the riots, and when the public safety, which had become everybody's business, was undergoing on all hands eloquent debate, of the various suggestions of good people for our benefit, that which proposed to quell the disorder by bloodshed seemed the most tremendous

and appalling ; and so all seemed to be agreed, until, in the midst of their doubts and argumentations, they relieved, or thought or pretended to relieve themselves under the cover of a sagacious idea, which came from we know not what quarter, but which passed rapidly about and was speedily adopted. The idea was this—*We may use, to put a stop to these riots, just such a degree of force as is necessary to the object.* This hint, full of both law and logic, and which ought to have been the clue to very different conclusions, seemed to lead the consulting crowds out of all their difficulties. The reasoning upon it ought to have been thus—*When we shall have exerted in vain all civil force, we may betake ourselves then to the military ; and if a civil force be not at hand, we must raise one before we can say that a military force is NECESSARY.* But, confounding, just as the Councils did when they passed their Ordinance, the questions of *necessity* and of *convenience*, the reasoners made short work of the question, thus—*It is necessary,* said they, *to put a stop to this rioting, and the troops can put a stop to it—therefore let the troops be used.* Their notion, put into the form of a syllogism, would run in this manner :—

1. It is necessary we should have churches and houses.
2. Artillery and small-arms will save our churches and houses from the rioters.
3. Therefore we may fire artillery and small-arms upon the rioters.

But replace upon its legs again the sound and logical judgment we have quoted, and not applying it wrong side up, let us see if there be facts to be syllogized thus :—

1. The riots may be put down by whatever force is necessary to that object.
2. All lesser force than artillery and small-arms has been tried, and has failed.
3. Therefore artillery and small-arms is the force necessary.

Now, as we humbly apprehend, the right of the Councils to pass the Ordinance of the 11th July depends simply and entirely upon the *plea of necessity*. If, not only, they have no police, but there is some physical or moral insuperable obstacle to their ever establishing one, then they have a perfect right to rely upon troops ; and if not, then they have no such right,

and they must adopt the plan of police suggested by the Grand Jury, or take one of those showered upon them by individual projectors, or they must form one for themselves. In short, they must not tell us that the last degree of force is necessary, when they have not tried the lesser. They must not order the patient into a straight waistcoat, before they have felt his pulse. The Corporation of Philadelphia, a body of very limited powers, may pass Ordinances to preserve the peace, according to law, but it may not enact that things shall be done, not even things the most useful, in a manner not recognized as lawful by the power which gave to them the little authority they possess. In self-defence, they may kill men in the streets; and so may A., B. or C. But the act of the corporation, like that of the individual, neither of them being invested by law with the power of life and death, must be absolutely and strictly one of self-defence; as capable of justification, for it is open, though not in the same manner and form, yet in truth to the same essential character of investigation, as the act of A. when he slays B. If the Legislature of Pennsylvania should be pleased to change from imprisonment for a term of years, to death by shooting, the punishment of riot and arson, they may do so, and it is no matter whether this alteration of the criminal code be the work of necessity or of caprice. But not so with the City Councils.

The question then comes up—had the public authorities done all that ought to have been done, and all that was in their power to do, to protect the lives and property of the citizens of Philadelphia by the lawful and usual means, before empowering the Sheriff and Mayor, whenever they shall please, to call upon the cavalry, artillery, and infantry? Was their staff broken, that they drew the sword? and if it were, what sort of a staff was it? Was it a baton, made for a town of 20,000 people, and attempted to be used to govern 300,000? Might they have replaced it with a newer and a better? Must they not exhaust mild means first? May they strike too hard, or stab unnecessarily? If the law have ordered a man to be hung by the neck, they may order him to be shot through the body only upon the same plea of necessity under which any individual citizen may justify himself in taking into his own hands the execution of that public justice which has been committed

to a power in the State, which is neither an individual, nor the corporation. What is the law for individuals? Does a man hold property, he has a right to its enjoyment, just as the public authorities enjoy the privilege of keeping the public peace; and accordingly he may use whatever force is necessary to vindicate the possession of his lands and goods, his house, his ox, his ass. But on the other hand, at his proper peril he must see that he use not more force than is exactly necessary to this object; and he must resort to no force at all, if it can be avoided—that is, when the law can right us, we may not right ourselves. If a ruffian lay his hands upon you in the street, use the necessary force to knock him down. You are free to walk about town—no process of law is swift enough to vindicate that privilege in all cases, and it is here necessary that you should vindicate it yourself. It would be absurd to require you to stalk to the nearest magistrate with the fellow's fingers round your throat, or to stand still and wait till a peace officer came along, (which in Philadelphia might be a good while,) so the law says use the necessary force, and knock your man down. But your right ends there—that being all that is *necessary*. It is not necessary that you should whip out a pistol, and shoot him dead, or even that you should proceed to pummel him, for though he may ever so richly deserve death or a beating, it is not for you to inflict them. The same rule applies to your house, which, whether devoted to the worship of God or to the residence of your wife and children, you may forcibly defend. But again the law measures your conduct by the necessity of the case—it must be strictly a necessary violence. The Councils of Philadelphia have just the same right to order rioters shot down in the street, with great guns and small, when it is possible, or may be made possible, by organizing a proper police to arrest and bring them to trial, that Farmer X. has to lie behind his hedge and shoot buck-shot at his neighbors, for robbing the melon patch, or firing his barn, when he might have them caught and put into the County Jail to answer regularly for their offence. Both acts are equally uncalled for, only that the one is done under an Ordinance, the other not. The authorities of Philadelphia in their sphere, like the inhabitants in theirs, may protect life and property; and to compass this lawful purpose they may, in the last resort, destroy

life. The field pieces and muskets of the City Brigade are to the Corporation just what their knives and pocket pistols are to individuals. They are what they may defend themselves with when the law cannot—they are military law—no law—the revolutionary right. They are the *ultima ratio*. When two nations refuse to be governed by law, they resort to war, and the laws are silent till peace is declared again. Artificial rules are suspended, and they resolve themselves into the natural, not to say the savage state. So, when the Legislature of Pennsylvania having enacted that after due arrest, indictment, arraignment, hearing by counsel, conviction, judgment and sentence, the punishment of rioters shall be fine and imprisonment, and the Councils of Philadelphia step in, and erecting their horrid crests, ordain that in certain cases of riot, (to be distinguished by lamplight by the Mayor or Sheriff,) there shall be no hearing, bail, trial, chaplain, prayers, psalms, or ceremony of any kind, but that this crime shall be summarily punished by shooting to death on the pavement—what is this but a resort to a state of nature? It is all nonsense to call this *law*. It is the absence of all law. When this Ordinance is passed, all other law is kicked down stairs. We once made a law declaring war against Great Britain, and when we did so we declared there was to be no more law between us but the law of nature, and such a law is this Ordinance. It is a law against law—a law declaring the absence or suspension of law, namely, war. Now this we agree is all right, *if necessary*—if not necessary, it is frightfully wrong. It may be it is, as they say in South Carolina that nullification is, and as some persons there are disposed to declare disunion is, the rightful remedy—but, like nullification and disunion, it is beyond all question a revolutionary remedy.

The people of Pennsylvania, with whom resides the power which is exercised through the two Houses and Governor at Harrisburg, have not thought proper to give to any man, or body of men, (and long may they withhold it,) the right of suspending the laws in times of what our Councils, God help them, call "*intestine commotion*." Cities, counties, all depositaries of power, are left, just as individuals are, to their own responsibility. This is republican jealousy of extreme measures. In England, where the few, and not the many, make the rules, it is otherwise. There they have a statute of

the realm to suspend the law. An officer reads to the crowd an act of Parliament, called the Riot Act, when they are bound to disperse on pain of being fired upon; but we have no such statute, and the Councils fall back, if they fall back upon any thing, upon the law of nature; the same law exactly which prevailed lately in the long-boat of the passenger ship *Wm. Brown*, when the strong and able bodied seamen threw the women and weaker persons into the sea. This was the revolutionary right—the Ordinance of the 11th July. If peaceful habits and order enough had been left among them by the tempest, even for a call of the ayes and noes upon their horrid resolution, the passengers, who were in a majority, might have voted the sailors into the roaring ocean, and themselves to remain in the boat, but the sailors were the Corporation, and had it all their own way. Now the question simply is—Is all this *necessary*—are we ripe for long-boat law? We will not stop to insist upon the obvious propriety of admitting ourselves to be in the midst of a revolution as seldom as possible, and of avoiding to scare business and decency together from among us by occasional proclamations of Lynch law by authority. The object of government is not to rule merely, but to rule according to law. The Indian cuts down the tree that he may gather the fruit—the crowd which disapproves the religion burns the church—but shall law-givers thus by violence attain their ends? Their place is to protect us from the mere law of nature; we can recur to that without their assistance. The law is in greater danger when it is suspended by its administrators, than when it is invaded by the crowd. When government is so weak as to resort to revolutionary measures, it ought to be mended. Here is not merely martial law—but, by way of a novelty in legislation, a provision for it in advance—not a resolution suspending the habeas corpus act, but a provision, as it were, for making easy the suspension of that act in all time to come. Are our affairs really so desperate as this? Try us again—give us a reprieve—give us a police*—give us what all large

* The less conscientious ministers of party, which seems an evil inseparable from the flesh of politics, bid against each other to make people ungovernable, and party meddles in all the details of public affairs, down to the appointment of bailiffs. But still, after drawbacks are allowed for, nobody takes policing so kindly as your American. The love of law and order is an instinct with him.

towns are entitled to, what they have and must have, a body of men who will be afoot and ready to crush riot in the egg, and who will not wait till it be hatched and fed up, and trimmed and gaffed to cut us to pieees, or to fire cannon *loaded with hardware shops* in our faces, as the testimony ran of one of the witnesses in the investigation before Judge Jones. Give us a little prevention, and we will ask less cure. A civil police will anticipate disturbance—your military one can only hew it down by the head. We want peace, to be sure—we want to be quiet, but not upon these hideous terms. It is no gratification to us to see people killed by Ordinance of Councils. We do not want to see even bad citizens punished beyond the law. We desire to see their mischief forestalled—we desire to see the Councils perform their duty according to law, and in the usual manner. What manner of performance is that—how do they perform their duty—what sort of charioteers are they who, being trusted to drive the public coach, throw away whip and reins, or neglect altogether to provide themselves with such old-fashioned appendages of preventive service, and turning to the astonished passengers, fiercely assure them that they need not be afraid, snaffle bits have gone out of fashion, and fire-arms have come in, and if the horses dare to be restive, or the least unruly, they will blow their rebellious brains out!

This would be a strong measure indeed, but is there any occasion for it? Hanging, they say, is the worst use to which a man can be put—is shooting him any better? No doubt we have our disorders. The town was founded under the auspices of the Society of Friends, who were sober citizens, and required but little restraint. Their virtue was their police. And, as if we needs must be always as good boys as we once were, we have been allowed by our rulers to go on and on, so utterly unpoliced, that our quaker character is fast subsiding, and the rowdy taking its place. But then, who is to blame for our disorders? The idle men and raw boys, who kick up riots, and proceed at last to church burning, or the public authorities

The reason is obvious—each individual is interested in their preservation. An amusing illustration of this might be drawn from the public conveyances which are inhabited every day by no small portion of our restless population. It is hard to tell there which is the more ridiculous—the often tyrannical rigor of the police, or the sheep-like submission with which travellers undergo it

who do not see that a town cannot keep itself quiet any more than it can keep itself clean? The rule is try to educate the boy, however bad, before you enlist him, or send him to sea—try to correct him, before you declare him incorrigible. Shall fathers of families, (or shall our conscript fathers, of the city,) let their children go unwhipped, till they become mutinous, and then strike one of them dead, by way of example to the rest? Who is to blame in all cases of bad education? Is it we unlucky people, who have been indulged for years and years, and spoilt with our own way, and with firemen's fights, and other such sports of the street, who albeit born to virtuous inclinations, have been nursed and nurtured to riot; is it *we*, who, when the consequences of an evil bringing up begin to develop themselves, shall be reproached with our clownishness and mischief, with our want of learning and breeding, or shall the blame fall upon the heads of those men, our guardians, our appointed guides, philosophers and friends, to whose keeping, in sacred trust, we, and our ample funds moreover, were committed? When, after long culture, our vices bud, shall these tutors, forsooth, wheel short upon us, and bellow at their hitherto unbitted charge, boys, ruffians, mob, reform, or be shot—what scandal and rioting, what sacrilegious fury is this—it is true you have had no training, you have had no chance; it is true your education has been shockingly neglected, and it is true that we had the care of it; but it is too late to think of all that, here is the ordinance against intestine commotion—read it if you can—for the next fault of prosody, or good manners, you are to be put to an ignominious death—this is the 11th of July—now, young gentlemen, you have got your warning, and you cannot complain we are either harsh or precipitate with you! Is this justice, or are we a mob more sinned against than sinning? But mobs, or no mobs, the law gives us a title to be tried with a constable, and a stick first, and the infantry, supported by cavalry and artillery, can charge afterwards. If the proper system, well tried, is found to fail, then, by all means, have a law made, under which we shall be brought to order *quand meme*; but the idea of putting brute force first, is out of the question, is absurd—it is worse than unlawful, it is antediluvian, it has had its day and gone by. The mild practice every where prevails—torture, tight lacing, hard drinking, flogging

soldiers, swaddling children, blue laws, gag laws, alien and sedition laws, have hung up their tuneless fiddles. The doctors have diminished their doses a full third—even the horses are relieved of the misery of one half their harness. The very tenants of the jails and mad-houses, are dealt with upon the gentle system. Why then, should alone that enlightened Senate, whose curule chairs are over the Mayor's office—honest and patriotic men, too, let us say for them—persist to go back to military darkness and the middle ages ! That benighted journal, the London Morning Post, according to the proposal attributed to it for quelling disorder, made, what our city legislators deny to us, some slight discrimination among offenders. “Gentlemen who cough, to be slightly wounded.” “Spectators who happen to sneeze or spit, to be transported for life.” But, according to our July Ordinance, to be in the crowd at all, after the High-Sheriff gives the signal, and the State-house bell taps eight for any object, or no object, to cough, sneeze, spit, burn a church, or do nothing, is to be involved in one common offence and ruin—is to be guilty of felony, and suffer death. No distinction is made of sex or age—all *unfortunate souls*, found within cannon range, are criminal alike. There is but one lawful act, and that is to run away. To be out of long shot, is your only available innocence.

The law which appeals to necessity, and which *reasons the need*, lies at the very root of justice. If you over-punish a crime, you increase it. If you threaten blood-shed and death, when in justice you should set up a police, what effect must you produce upon the minds of the men you are to rule ? How can you expect the mob to respect you if you are not just ? If rules be inhuman they will not be submitted to. Men will not consent to less than fair play, or to what is cruel and unusual. A crowd surrounding the gallows of a traitor, would hoot Jack Ketch for putting his man to death not according to law. Your very dog understands the difference between fair and foul, and though you may whip him to death if you please, you must not pull his tail. Who does not believe that the crowds in Kensington and Southwark, were made more angry and fierce, by seeing armed soldiers, instead of officers of the peace, sent against them, and that a much smaller body of active policemen, than we had of troops, could have effectually

put down the mob without the terrible resort to deadly weapons ? It is vain to tell us that the dress makes no difference, that these soldiers are not soldiers, but citizens, only our neighbors and friends, with side-arms, fire-arms, and ordnance. Every body's blood rises against such a fallacy. The dress does make a difference ; it changes our cronies, Jack and Jill, into Captain A., or Private B., who must run us through the body, if he gets the word of command ; it is eyes right or eyes left, and your acquaintance who nods and shakes hands with you in his round hat, must not even look at you from under his cap and feather—he does not so much as walk as he did two hours ago—he is a changed man, or he is no soldier. There is a marked distinction between the alderman or constable of a Ward, at the head of his posse, and the same man commanding his company. But if there were no real distinction whatever, and all lay in name and dress, it would be enough for the mob, who are no philosophers, but a pack of silly people, and to be treated accordingly. Send to quell them a sufficient number of persons to do their work, dressed as other people are dressed, and then send the same number dressed in stage clothes, or without any clothes at all, or in any dress, or undress that is peculiar, no matter how handsome, or appropriate, and we should soon come to the acknowledgment that there is something in a name, and still more in a coat. Indeed, we actually have seen that the main topic of the obloquy heaped by the late mob upon the volunteers, was what they called their *pretty coats*.

Necessity ! How can it be necessary to attempt the use of impracticable means ? What can our friends of the volunteer corps do for us ? An active police would prevent the assembling of the crowd. But suppose this not done, and the mob to be under weigh, the same police will still, in ninety-nine cases in a hundred, grapple successfully with the leaders, and having mastered and carried them off, leave the rest of the multitude as helpless as a snake without its sting. A good police will encounter the fiercest mob, for they despise them, know them to be fools and cowards, and have subdued them a thousand times. A police keeps all London in order—what on earth is the reason a police will not serve for this provincial town of ours ? How many well balanced difficulties and nice cases will arise for the decision of the appointed casuists, the

Mayor and Sheriff, upon this question of calling out the troops ! Here is a vast crowd, loud, threatening, and furious—but then, Mr. Sheriff, they are a political meeting—they are debating the tariff, and whether foreign cottons should pay a tax for protection, or only for revenue. That is true, Mr. Citizen—but so the meeting held in the Kensington market house was a political meeting, and what they debated was whether foreign men should pay a tax of twenty-one years' good behavior, or only four. Here is an obstreperous crowd listening to a man preaching treason—but he is drunk. Here is a play-house row—here is a horse-race—here is election day—here is George Munday ! Will you shoot them all ? Give the magistrates a police, and they will act without half the crowds' knowing they are there. But bring up the soldiers, and you bring a camel load of questions along with them, and the gravest of all will be the question to fire or not to fire, for to fire is all they can do. Your soldier cannot throw away his arms to engage a crowd with his fists, or a stick. If Captain Hill, and the two or three men who left their ranks to assist him at the corner of Second and Queen streets, the 6th July, had been disencumbered of their weapons, and had had the free use of their fists, backed as they were by a couple of hundred stout-hearted comrades, they might have licked the fellows they encountered, and then captured them, and so all bloodshed have been avoided. Soldiers can shoot—but may they shoot ! What a question, and what a responsibility are there ! It so happened that the firing on the 6th July was brought on by actual collision with the crowd—the men fired without orders, and in what they regarded as self-defence. But leave out such cases, and what will justify firing upon a crowd ? We will not stop to discuss so large a question, but we may safely say that no pelting of the troops with eggs, or brickbats—no insults, however abominable—no threats, however diabolical—no mob obstinacy or stupidity, and mulish opposition to orders and entreaties, and even no actual attack upon the troops that does not endanger their own safety, or that of the public, can, according to any law known to this part of the world, justify the firing a single shot.

Are we to be told that the City authorities may send to deal with a crowd, thoughtless, impulsive, and rough, and more or less violent, as all crowds are, though they should be crowds of

fine ladies, instead of a police who can give and take, and be insulted without being dishonored, a body of troops, gentlemen of the sword, of the epaulette and chevron, who "hold their honor in a wary distance," and cannot endure what policemen will without being accused of failure of duty, and unsoldierly conduct? Honor is the soldier's badge, and he cannot allow it to be smirched. *Shall* the Councils select to send against an uproarious assemblage such materials as these, and then tell us they fire because they are soldiers, and not constables, or stocks, or stones? * Whose fault is it that they are not constables? So we might send against the suburbs policemen tricked out in silk stockings and ruffled shirts, and then, according to the Ordinance, the crowd would be to be knocked over the head for treading on their toes, or rumpling their linen. If the Sheriff, in the execution of a writ, be vilified or assailed, may he take the offender's life? Shall he say—"Here is sealed process. I am bound to execute it—so come along, or take the consequences." That is, to be killed on the spot? He could not be so absurd. Bring it to the old case of self-defence, of the first law of nature, and then you have the plea of *necessity*, and you are safe. But short of that, never!

How is it practicable to avail ourselves of a force which is always unready? How many hours will be required to assemble a brigade or a regiment, or company, whose members are scattered all over town? The captain is trying a cause,

* The position of the troops sent to act against the rioters was truly painful, both to themselves and to their friends. In Kensington they did not fire, and the town was full of stories in illustration of what was called their too great forbearance; and when at last, in Southwark, they drew their triggers, our treatment of them reminded one of the manner in which the public deal with duels—the man who refuses to fight they stigmatize as a poltroon, and the man who fights they point at. We believe that when Councils revise, as surely they must, their proceedings of July, they will do it not for the sake of law and justice alone, but for that of the volunteer corps themselves, now so deservedly favorites, and whose popularity is at stake upon this ridiculous and impracticable measure. Popularity is a mark recognized in camps, as well as in courts, groves, and election districts. When the Ministers of Louis XVIII. communicated to Macdonald that they had pitched upon him as the officer who, from his steadiness and skill, was thought fittest to command the royal troops destined to cope with Napoleon, then advancing upon Paris, the Marshal answered—"No! do not take me—you want a more popular man!"

with the first lieutenant empaneled as a juror—the second lieutenant is taking a ride—the rest of the officers, commissioned and non-commissioned, with their men, are dotted about among the thousand vocations and avocations of the place, buying, selling, baking, brewing, absorbed in public business, or in their own, in the hands perchance of their dentist, doctor, confessor or lawyer, or sick a-bed, or fast asleep, or tired to death, or what not. As the City Brigade cannot be shut up in barracks all the year round on soldier's allowance, waiting for a Catholic church to be fired, or under arms in Independence Square, expecting the clock to strike eight, the Sheriff must either be supplied with some other force, or be at his wits' end while his military police are getting notices for heaven's sake to come to his assistance.

If Philadelphia possessed a citadel which commanded the town, and could batter it, and which communicated with fortified places hard by, and were provisioned for a seige, and all our militia were trained soldiers, hardened in the field, and led by officers experienced in war, the *want of numbers* alone would totally unfit them for the task we have assigned them. We wish our friends and acquaintances, members of volunteer corps, and we have among them many old and valued friends, no such bad luck as much service under the July Ordinance, for while we know they are good soldiers, we are sure they are good citizens too. Charles X. made an Ordinance one July, and the end of it was, he was beaten by the mob of Paris, at the head of we forget how many guards and troops of the line, led by a Marshal of France. It is in vain, now-a-days, to fight with the people, and a fight with the people it would be at last, to attempt to carry out the council's idea of a military police. The mob learn. They have already learned the monstrous lesson of firing cannon at us, in the streets. A month ago, such audacity was inconceivable; but we sent cannon against them, and they brought cannon against us; and if we had armed ourselves with Congreve rockets, or the Greek fire, so would they. Do we suppose we are to fire upon them, and they not to fire back? In France, they have fired upon the mob, till they have so accustomed them to the whistling of bullets, that in Paris, they are as bold and sometimes as good soldiers as the king's troops. Let us not cultivate, in this way, the warlike pro-

pensities of our people. Why, when it would be so easy, so perfectly easy, to regulate the town with a civil police, and while at least it is so well worth trying, should we make this military experiment? Why should we thus abuse our gallant fellow-citizens? Why should we send these men back again to such work as they have come from, to another night of the 6th of July? Is it just, is it fair to put upon them such a service—a service of more than the danger of the field—and without its laurels—to be killed in the kennel—to be targets in a narrow street, for cannon loaded with rusty nails, harness chains, and pump handles, and shot by nobody knows whom; to be fired at with no circumstance to cheer them of glorious war—but in creeping, sneaking silence and darkness, from blind alleys, chamber windows, and cellar doors—not to die as they would for us like men of mettle and honor, in fair fight, but to be *assassinated*—and all for what? Why, because the city gentlemen will not give us a police! A police! One would suppose it were some costly and undeserved favor, some daily distribution of food and alms, some prodigious advantage over all other towns great and small, when it is only, in fact, a mere cheap necessary of city life. Or, perhaps, that even this common want were one which, from some peculiar misconduct of our own, we had forfeited our right to see gratified. You have forfeited, they cry—you are the outlawed population of Philadelphia—here is the mob, the odious, filthy, fierce and formidable mob—a police is too good for them—let them be shot. This is a cockney night-mare—*there is no mob*. After all that has happened, we venture to assert there *can* be no mob proper, in any part of this roomy land of ours—not even in Philadelphia. *Mob* is the offspring of a starved, ignorant, over-numerous, and ill used population. They have a mob in Europe, and we hear them talk there of their potent and dangerous crowds, so called, until we in America really begin to adopt the European test of good citizenship, which is *clothes*, and to read the text as they do—by their *coats* ye shall know them—and to think we also have a mob. A test and a text, which may be well enough in the Old World, where the unhappy people, or the mob, for they are convertible terms, are, by the very structure of communities, a complaining and perilous party of the body politic—an ache, a sore, a disease. But to tell us of mobs in the New World,

among a free, educated, self-governed people, with hundreds of millions of unopened acres, where there is not only elbow room for every body, but verge enough for all the inhabitants of the whole continent, to live and sulk, and eat if they like, their white bread and four meals a day, out of cock-crow of each other—to tell us here of mobs, is to tell us not necessarily of bad laws, or even of laws badly administered, but of a system of laws in which that little member called *police* has been quite forgotten. Let us add this member to our otherwise fair proportions, and save ourselves the constantly recurring and most disgraceful disorders, which, either as remedy or disease, must be the consequence of an attempt to dispense with it. In Philadelphia we hang a man, and then for some outrageous murder, about once in five or six years; yet so sensitive do we boast ourselves to the enormity of taking human life at all—which it must be confessed is, in its best shape, one of those fantastic tricks with which we make angels weep—that this community is even now in active movement, to put an end to bloodshed by law, altogether; and forsooth, this is the season—this is the juncture at which, wilfully shutting our eyes to the simplest and most usual of expedients to avoid such horrors, we pass laws—so they are called—for wholesale, indiscriminate slaughter, in the public streets. We used to kill dogs in public, till the sight of curs' blood was found to be too much for our nerves, and the result was a better police for the dogs. Give us one for the men.

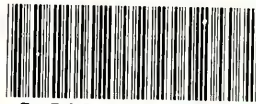
Insist upon your present extraordinary enterprise, and can any one fail to perceive, if it come to any thing, it must be to mischief! We will not indulge in the fanciful, or the lugubrious, or look too far ahead, but is it possible not to see, that if this Ordinance be really to be brought into play, mischiefs which are to work deep, and to become *State* mischiefs at last, must follow in its wake? It was bad enough last month, when the town was, for a succession of days, in military occupation, and the march of troops, and a score of proclamations, announced blood, pestilence and confusion to the wondering citizens, who knew all the time, that their ailment was nothing in the world but injudicious treatment, and that while a couple of dozen constables would have prevented the *rebellion* (!) depicted to them in print, the same number multiplied by six,

would have swallowed it whole, after it had grown to its biggest. Half the number of such men, (*out of uniform*,) as we sent into Southwark, would give a good account of four times the disturbance that ever existed there. But what will our condition be, when the measures which did not get further than men's lips, last July, the *disarming of districts*, the *punishing of districts*, and the *making examples of districts*, and other such blessed schemes of dog star projection, then only eloquently discussed, come to be actually attempted ! If we are mistaken in supposing as we do that they would give us a real rebellion and a successful one, and if they should produce only their smallest consequence, deep discontent, and revolt without success, why, is it possible there is one man among us, who desires to see any part of this fair city made Ireland of, or Poland—quiet only when plenty of troops are there ? But there is no end to the argument from inconvenience. What we proposed to ourselves when we began, was briefly to suggest to public notice, that which, while all must be aware of it, yet many of us are not duly attending to, namely, that the introduction of a military force instead of a police—a force which must take life to cure disorder, where a police would prevent or quietly suppress it, is a proceeding which is directly against the laws of the land. and only justifiable not as an act of law, but of *necessity* ; a justification, at best but the tyrant's justification, which never can be applied to it, until the milder and usual remedies—remedies which, among us, have not been even touched or experimented with, have been fully, wisely, fairly, energetically and pertinaciously tried, and have utterly failed.





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